

TEIN 11-96 Attachment.

Excerpts from the Department of Labor Appropriations Act, 1997 and Conference Report (Public Law 104-208, September 30, 1996, sections 101(e) and 105)

A) Statutory language: "Provided further, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the statutory or regulatory requirements of titles I-III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of service delivery areas and private industry councils, and the basic purposes of the Act), and any of the statutory or regulatory requirements of sections 8-10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), only for funds available for expenditure in program year 1997, pursuant to a request submitted by a State which identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local service delivery areas intend to achieve, describes the actions that the State or local service delivery areas have undertaken to remove State or local statutory or regulatory barriers, describes the goals of the waiver and the expected programmatic outcomes if the request is granted, describes the individuals impacted by the waiver, and describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 105(a)(1) of the Job Training Partnership Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement a plan to improve the workforce development system and the State has executed a Memorandum of Understanding with the Secretary requiring such State to meet agreed upon outcomes and implement other appropriate measures to ensure accountability:"

Conference Report Language: "The agreement includes a legislative provision proposed by the Senate modified to allow the Secretary of Labor to waive certain statutory and regulatory requirements of the Job Training Partnership Act and the Wagner-Peyser Act to encourage and facilitate cooperation among Federal, State, and local entities to redesign and test an outcomes oriented approach to

intergovernmental service delivery. The House bill had no similar provision."

B) Statutory language: "Provided further, That the Secretary of Labor shall establish a workforce flexibility (work-flex) partnership demonstration program under which the Secretary shall authorize not more than six States, of which at least three States shall each have populations not in excess of 3,500,000, with a preference given to those States that have been designated Ed-Flex Partnership States under section 311(e) of Public Law 103-227, to waive any statutory or regulatory requirement applicable to service delivery areas or substate areas within the State under titles I-III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, grievance procedures and judicial review, nondiscrimination, allotment of funds, and eligibility), and any of the statutory or regulatory requirements of sections 8-10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), for a duration not to exceed the waiver period authorized under section 311(e) of Public Law 103-227, pursuant to a plan submitted by such States and approved by the Secretary for the provision of workforce employment and training activities in the States, which includes a description of the process by which service delivery areas and substate areas may apply for and have waivers approved by the State, the requirements of the Wagner-Peyser Act to be waived, the outcomes to be achieved and other measures to be taken to ensure appropriate accountability for federal funds."

Conference Report Language: "The agreement also includes a legislative provision as proposed by the Senate to require the Secretary of Labor to establish a workforce flexibility (work-flex) partnership demonstration program under which the Secretary would authorize not more than six States to waive certain statutory and regulatory requirements of the Job Training Partnership Act and the Wagner-Peyser Act. The waivers could be granted for a period of up to 5 years. Preference would be given to those States which have been designated "Ed-Flex Partnership States" under the Goals 2000 Act. The House bill had no similar provision."

C) Statutory language: "Notwithstanding any other provision of law, the Secretary of Labor may waive any of the requirements contained in sections 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264, 301, 311, 313, 314, and 315 of the Job Training Partnership Act in order to assist States in improving State workforce development systems, pursuant to a request submitted by a State that has prior to the date of enactment of this Act executed a Memorandum of Understanding with the United States requiring such State to meet agreed upon outcomes."

Conference Report Language: "The conference agreement includes a general provision to allow the Secretary of Labor to waive various sections of the Job Training Partnership Act to improve intergovernmental service delivery systems. This would involve a State that has executed a memorandum of understanding with several Federal agencies, including the Department of Labor. The waivers of JTPA provisions would involve such things as definitions, planning and procurement requirements, cost categories and cost limitations, and program design requirements. This provision was not included in either the House or the Senate version of H.R. 3755 but is the same as a proviso in the fiscal year 1996 appropriations act."